

INDUSTRIAL STORMWATER PERMIT ADVISORY COMMITTEE
Meeting Notes
October 13, 2006

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**ADVISORY COMMITTEE MEMBERS IN ATTENDANCE:** Nathan Graves (for Ken Johnson), Marilyn Guthrie, Jennifer Joseph (for Sue Joerger), David Like, Susanne McLiveen, Jim Oberlander, Jonathan Olds.  
**DEPARTMENT OF ECOLOGY STAFF AT THE TABLE:** Nancy Winters, Jim LaSpina.  
**FACILITATOR:** Sue Dicile  
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Key

Unless otherwise noted:

"Q" = a Committee member question.

"A" = an answer contributed by Ecology staff.

"C" = a Committee member comment.

SESSION OPENING

The meeting convened at 9:10 am.

Jim LaSpina welcomed committee members. He apologized for the short timeframe between distribution of the draft and this meeting, but noted that committee members and other interested parties have until November 6th to submit comments.

Introductions were conducted, and the agenda and ground rules overviewed.

Jim noted that changes to this draft of the permit were largely based on suggestions made at the February meeting of this committee. He stated the purpose of this meeting as an in-depth review of the sections of the permit that have been substantively changed, and opportunity for comment on those changes. He further noted that changes to other sections are primarily formatting changes only, and that those sections will not be reviewed at this meeting.

OVERVIEW OF CHANGES IN THIS DRAFT

Jim made a 15-minute presentation on the substantive changes. A handout of the highlights of that presentation was provided at the meeting.

Committee members had the following questions and comments:

Q: Is Ecology coordinating with cities' MS4 permit?

A: That will be done at a later date.

C: This draft is a good improvement. Having the action levels and benchmarks in the same table, and pulling out the 303d listed piece are particularly helpful features.

A: These changes are the result of a team effort by the Permit Drafting Team at Ecology.

C: It would be helpful to have a "cheat sheet" similar to the table used at the Ecology Enforcement Program that shows "what kicks in at what level", i.e. a summary table showing how the process escalates.

REVIEWED SECTIONS OF THE PERMIT

Who Is Required To Obtain A Permit (S1)

- C: **S1.A** Re discharge to combined sanitary sewer systems: Surveying in King County it was found that even facilities don't know where they are discharging to. Municipalities are not strict about authorization to discharge. The permit should say facilities must have a permit unless their discharge is specifically authorized by the municipal authority.
- C: I have a concern that would create confusion.
- C: Facilities included in the Puget SoundKeepers survey believe they are not required to get a permit because they are discharging to a CSO.
- A: A clarification should be made as to whether discharges to CSOs are required to apply for permit coverage.
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- C: **S1.D.6** Re construction activities between 1 – 5 acres: Request that these be managed under the Industrial SWPPP instead of the Construction Stormwater Permit. It would ease the process for small industrial construction projects that are between 1 – 5 acres.
- C: At the Ports it is important to our process to have those two separate processes. So the permit should provide the flexibility to take either approach.
- C: Agree that it would be helpful if the SWPPP requirements for a construction project could be modified in instances in which a Industrial Permit also exists.
- C: I disagree. Construction is a different animal. It may be washing old brick or repainting, and may require a distinct review.
- C: Another complication is that you may have stormwater projects that are construction projects. It needs a Construction Permit but it is a BMP. There needs to be a balance that mitigates the extra burden.
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- Q: **S1.A** Please explain the de-emphasis on SIC codes. What are the activities being considered? It is problematic because a tenant might use a "Headquarters" SIC code but all they are doing is mooring a boat. Another tenant using the same code might be doing something more industrial.
- A: The federal stormwater approach is based on SIC codes. It is antiquated, but unfortunately we are tied to that system. So we are saying coverage must be based on actual activities at the facility. We are attempting to streamline in a way that if activities change there doesn't have to be re-public notice. But agree that that the permit needs to be more definitive in the "activities" function.
- C: I am concerned that people hide behind the SIC codes. There needs to be a place in the permit to show that the requirement to obtain a permit is based on activities.
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- Q: Are Ecology definitions the same as those in the MS4? Should they be the same?
- A: They are the descriptions in the federal SIC handout. Ecology will take a look at the MS4 definitions and consider your question.
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- C: **S1.F.2.f** Re No Exposure Certificate: I have a concern, based on the perspective of a large facility with acres of a site on separate drain fields and outfalls, that if meeting No Exposure requirements, could get certificates specific to outfalls. There should be an "if things change" qualification. I would like to see a wording change to allow that.
- C: Agree
- C: I support this suggestion. Parts of the City are only residential and it applies. The permit might have a timeline that requires a review within a timeframe or is significant change occurs.
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- C: **Pg 31** Re Fact Sheet, and the phrase *"where individual circumstance warrants an Individual Permit will be issued"*. The permit should define the criteria or triggers for denying a General Permit and requiring an Individual Permit.
- C: I believe the triggers are covered under Level 4. I want to note that forcing large facilities

- to go through multiple Individual Permits would be onerous.
- C: But some industries are exceeding benchmarks by orders of magnitude. It needs to be clear about situations where Ecology should pay more attention.
- A: This was talked about on the Permit Team a great deal. Level 4 requires an engineering report for Ecology review. The permit covers over 1100 facilities. We do not have the capacity for even a small percentage with Individual Permits.
- C: Under municipal NPDES for stormwater there is a requirement to perform inspection, so cities make Ecology aware of "red flags".
- C: Just a reminder that when coordinating municipal permits it is important to be sure there is communication with WSDOT concerning ferry terminals, and vehicle/road maintenance shops.

Benchmarks (S5 & S6)

- C: **S5.
Table 2** The pH action level should be clarified that it is outside of the "Less than 10" standard.
- C: Should be clarified on Table 2 "Reporting Level".
- A: Agree that we should define as a "Quantification Level".
- C: I am happy with the inclusion of lead and copper.
- Q: **S6.
Table 6** What is the basis for the TSS (total suspended solids) of 30 per liter level?
- A: There is no water quality criteria for TSS, so it's based on the federal secondary treatment standards.
- C: **S5.D.3.a** The section on SWPPPs doesn't say in S3b re specific SWPPP requirements that you should address non-storm discharges.
- C: **S6.
Table 6** Thank you for the inclusion of Table #6.
- C: **S6.G.1** Re the reference to "cover sheet" in the last sentence. What cover sheet is it referring to?
- A: It should say "coverage sheet."

Sampling (S4)

- C: **S4.B** The idea of Wet Season Sampling makes things a lot simpler.
- C: I agree that removing qualifying storm sampling will increase participation in sampling. The other method made compliance difficult. But I have a concern the different timing for submitting data will make it difficult for citizens and facilities to compare.
- A: This should be addressed via quarterly reporting, which is still required.
- C: Can all sampling done within a couple of months be too close to be representative?
- A: Ecology has studied "first flush". Other than seasonal storms there are no significant spikes. Most seasonal first flush are in mid-October. Our objective is to make it easier to gather data.
- C: **S4.B.1 &
S9.A** If there are reporting requirements four times per year and mandatory data review, will the timing of samples and reporting be confusing? Is there a way to streamline reporting?
- C: It would be good to have reporting requirements in a one-chart format. It needs a visual, i.e. an expansion of the Summary of Submittals.
- C: **S4.B** Re sampling requirements: Under the reporting sections it tells about things to be documented but it doesn't tell about severity of rain events. It doesn't ask about conditions present when the sample was taken. Data is used to refine benchmarks and

action levels, so it is important to get good data.

- A: Ecology is not sure it is reasonable to ask this of small businesses. Also, the conditions descriptions would be so subjective that they probably could not be used as data.
- C: My concern is primarily around sampling of a non-qualifying rain event.
- A: During previous permit reviews from this committee we heard "Simplify the permit!" We simplified to say "If you are discharging into the stream enough to collect a sample, that's enough."
- C: It is more important to know what was the activity in the yard.
- C: **S4.C.1.d** Add a word. It should say "the certification".
- C: **S4.E** Remind permittees to keep the letter certifying accreditation on file.
- A: Ecology has a list of accredited labs.

Inspection Frequency (S7)

- C: **S7A2** Clarify if this is in addition to or inclusive with monthly inspections.
- C: It could be tied to the SWPPP.
- C: From an adaptive management perspective, "in addition to" would be more effective. It would show result, and the reason for the result.
- C: **S7A** I am enthusiastic about this section.
- Q: **S7B** Will there be on-line resources?
- A: Yes, but as a part of the implementation phase.
- C: Then please have it in Word format to eliminate retyping into the SWPPP.
- C: **S7C4a** I suggest eliminating the extra report.
- A: The report ties to spill notification.
- C: Then it could be handled along with spill notification.
- C: **S7D1** Correct the language so that it doesn't mandate keeping all the documentation attached to the SWPPP and on-site. There isn't room in the book or on many sites.
- C: It could say "keep with the SWPPP" instead of "attach to the SWPPP" or "have readily accessible."

Corrective Action (S8)

- C: **S8.A.1.c.i** The language seems to assume non-compliance. Say "properly" or "fully" implemented.
- C: **S8.A.2** Clarify that additional sampling is "source identification sampling", and not normal permit sampling.
- C: **S8.B.2** Define "all". Is it what is in the Stormwater Manual only, or a broader universe of capital and operational BMPs? Ecology could perhaps add "all approved in the Manual", or "all approved in the Ecology on-line list".
- C: I agree that people would be helped with a checklist.
- C: The same issue has arisen on the municipal permit.
- C: **S8.B.4** Enough time may not have been allowed to implement corrective actions depending on what it is, where it is, and time of year. The term "implement" implies "getting it done".
- C: I agree that there are a lot of roadblocks. It would be counterproductive to have a requirement that would force digging in November.
- C: Require a hard schedule that is reviewed with Ecology and local agencies within 6 months, but not full implementation.

- C: Or define "implementation" as "having the engineering study done".
C: Another problem is that inspectors have different interpretations of "implementation".
A: "Implementation" is meant to mean "done". So we may need to revisit the timeframe.
C: I am concerned that lengthening the timeframe also moves out going to Level 3, potentially resulting in putting off critical water quality action.
- C: **S8.C.6 & S8.D** "Denial" needs clarification, and a definition of what happens if denied. In summary, If Level 3 requires Ecology approval, why have Level 4?
A In Level 3 the permittee is still looking at options in the Manual, including BMPs. Level 3 does not require a site-specific engineering analysis. Level 4 requirements are more extensive than those in Level 3.
C: Level 4 also requires a water quality analysis.
A: Level 3 requires some sort of engineering but not the AKART analysis required in Level 4.
C: But it would be sensible to do AKART analysis in Level 3.
A: But that is the choice of the permittee.
- C: **S8.D** Remove the water quality criteria analysis because it is an Individual Permit requirement. This would also effectively remove Level 4
C: But permittees want the flexibility to remain under a General Permit.
C: I agree.
C: Why not do the water quality analysis under Level 2, or at least include it as an optional approach. It might show that the permittee is not impacting the receiving water body.
C: There is nothing that prohibits that now.
- C: **S8.D** Should pull "waivers" out of Section 4 and have as its own separate condition.

OTHER COMMENTS

- C: Look at other permitting processes, esp. MS4 permit. Eliminate conflicts. Integrate common language.
- C: **S2.a.3.ii** Just require the SWPPP to be available. Don't require it to be submitted.
A: This is for new facilities which the federal authority holds to a higher standard. Also, it was required in the last appeal and settlement.
- C: **S2** Clarify requirements regarding SEPA (State Environmental Policy Act)
- C: **S2.A.4** Clarify "significant process change".
A: If you make a change that will change the characteristics of your stormwater discharge. That will be included in the glossary.
- C: Ecology might want to have a more active approach for review of engineering reports. Now in many instances it falls to local government.
- C: Have a workshop in conjunction with the public hearing. That works better.

NEXT STEPS

- Written comments are due on November 6, 2006.
- Public notice will be in early 2007.

The meeting adjourned at 12:40 pm.

Respectfully submitted,
Sue Dicile, meeting facilitator